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ABSTRACT

This handbook for parents and citizens is concerned with three issues: the roles administrators, state school officers, boards of education, teachers and teacher organizations, parents/citizens, and students play in making decisions about what happens to children in the public schools; the power administrators, teachers, school boards, state education agencies, and parents/citizens have; and, what can be done to improve the position of parents/citizens in the school's decision-making. The position of parents/citizens can be improved if an elected council of parents and citizens is established in each school of every district containing more than 1,000 students. The council would have a significant voice in the decision-making that affects the lives of the children in the school. (Author/IRT)

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who controls the schools

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THE NATIONAL COMMITTEE
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COLUMBIA, MARYLAND

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National Committee For Citizens in Education

The National Committee for Citizens in Education is a non-profit, tax-exempt membership organization dedicated to increasing citizen involvement in the affairs of the nation's public schools. NCCE is a successor to the National Committee for Support of the Public Schools founded in 1962. In 1973 the Committee was reorganized, took its new name and reconstituted its purpose. Since then NCCE:

- Published a major report, *Children, Parents and School Records*, which received national attention in Parade Magazine, Time Magazine, The New York Times and on ABC Television.
- Supplied vital information incorporated in the Family Educational Rights and Privacy Act of 1974, which became law November, 1974.
- Conducted hearings across the United States on who controls America's public schools, taking testimony from hundreds of individuals and organizations.
- Joined with other national organizations to convene a National Conference of Title I Parents.
- Convened the first national meeting of independent local parent groups held since 1910.
- Established the first public-interest, toll-free telephone hotline, 800-NET-WORK, to help parents get rapid information and help.
- Established *The Parents' Network*,* to mobilize citizens for action to improve our nation's public schools, and to support existing local parent-citizen groups.
- Established the Citizens' Training Institute which trains parents and citizens in ways that will enable them to work more effectively in schools.
- Established NETWORK, a newspaper for parents about schools.
- Produced a respected series of handbooks on topics rated as priority concerns by parents.
- Published a paperback book on the rights of parents in decisions affecting the education of their children.

* Over 300 local groups — combined membership of 200,000 persons

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Notes About The Author

Carl Marburger is one of three Senior Associates responsible to a Board of Directors for the operations of the National Committee for Citizens in Education (NCCE). He is a parent, and has been a public school teacher and administrator. Prior to coming to NCCE he was Commissioner of Education for the State of New Jersey.

He was responsible for NCCE's Commission on Educational Governance, under the direction of Ms. Shelley Weinstein. It was from that experience, NCCE's later publication of *Public Testimony On Public Schools* and his broad public school experience that this handbook was written.

We are proud to add this important handbook to the growing list of materials especially developed for parents and citizens.

Acknowledgments

This handbook was developed with the assistance of many people. All those parents, citizens, teachers, board members, administrators and legislators who testified or submitted testimony to our Commission on Governance added considerably to our understanding of the issues of control and governance in the public schools.

Valuable contributions were made by readers of the manuscript in various stages of its development. Those reviewers were William Anderson, Katharine Auchincloss, Hayes Mizell, Chrissie Bamber, Happy Fernandez, Crystal Kuykendall, Bill Pharis, J. William Rioux, Stan Salett and M. Donald Thomas.

Bill Rioux deserves special mention for his gentle but insistent prodding and his patience in tolerating changed deadlines.

Nancy Gross' editorial skills continue to play an important part in the readability and useability of the handbooks in this series. Errors and omissions are the responsibility of the author and The National Committee for Citizens in Education.

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Chapter I

The What and Why of This Handbook

This is the sixth handbook for parents and citizens that NCCE has produced, and in this introduction to it we want to tell you something both about the organization itself and about our reasons for publishing this particular booklet.

First, about NCCE: The National Committee for Citizens in Education is a non-partisan, non-profit organization dedicated to increasing citizen participation in the affairs of the nation's public schools. Such participation is vital to all democratic institutions and it is, we believe, imperative to the institutions that educate our children. Moreover, we believe that publicly financed institutions should be held accountable to the public, not only for the moneys they spend, but for their programs. Until now, it seems to us, there has been neither as much public participation nor as much public accountability in the schools as is desirable. For too long, school decisions have been made primarily by professionals, and usually in private, removed from public view.

To turn that situation around, and to bring parents and citizens more actively into the affairs of the public schools, NCCE has initiated a number of projects. We publish books, handbooks and a newspaper, NETWORK; we have a telephone hot-line, 800-NETWORK; we conduct workshops for parents and citizens through our Citizens' Training Institute; and we work closely with a Parents' Network* made up of more than 300 parent/citizen groups throughout the country, all of which are active in public education at the state and/or local levels. These groups are very different from one another in

* *See appendix A for list of Parents' Network organizations*

their origins, natures, composition and specific concerns, but all of them share NCCE's belief that parents and citizens have an important part to play in the nation's public schools.

Second, the reason for this handbook: We planned to publish booklets for parents and citizens from the moment we came into existence; indeed, one of our very first projects was the handbook *Parents, Children and School Records*. At that time, however, we had no Parents' Network and it was more difficult to solicit advice and help from concerned parents and citizens, and so the decision to publish something on the privacy of student records was made almost entirely by our staff and Board. As we grew, we were able to build ways to receive advice from parents and citizens about what *they* wanted to know. As a result, our next four handbooks—*Violence In Our Schools, Parents Organizing To Improve Schools, Fund-Raising By Parent/Citizen Groups* and *Developing Leadership For Parent/Citizen Groups*—reflected their concerns as well as those of our Board and staff. This handbook reflects those concerns also: in a survey we recently made of Parents' Network groups, the subject *Who Controls the Schools?* had a two-to-one edge over all the others we proposed.

Actually, the subject was not a new one for us to tackle. In 1974, NCCE set up a Commission on Educational Governance, which held public hearings in five states and took testimony in four others in an effort to discover those groups and interests with control over public schools and to determine what could be done to make that control more democratic. After the hearings, we analyzed the findings and worked up a series of recommendations, both of which were then published in a hard-cover volume, *Public Testimony on Public Schools*. But its language and style, we found, were more suitable to a professional audience than to the one for which we hoped to be writing—parents and citizens. So we welcome this chance to discuss the subject again, not only because we've learned more about it than we knew when *Public Testimony* was published, but also because we've learned—we hope—how to write in simple, straightforward English, avoiding the academic language and profes-

sional jargon that made our first book a forbidding task for the very people to whom it was addressed.

But although we've conquered one aspect of the problem of language, we're still left with another. The disadvantage of professional and academic language is that many people simply don't understand it—or, if they do, they find it stiff and unreadable. The advantage is that professional language does not carry with it all the emotional overtones that frequently attach to the words we use in everyday speech—overtones that are particularly sharp in discussing such a subject as schooling. All of us have had good and bad experiences in school—we have all had teachers we loved and teachers we hated; we've all made trembling trips to the principal's office; we've all known the joys of learning and the terrors of failure. So when, in talking about this emotionally charged subject, we use the word "control," the task of communication becomes rather difficult. "Control" is a word with all kinds of negative implications. It suggests unquestioning obedience and the presence of a dictatorial boss; it brings to mind the kind of power Lord Acton was talking about when he wrote "Power tends to corrupt and absolute power corrupts absolutely." But even though the academic term "governance" is far more neutral, it's also far more abstract. For better or worse, "control" is the word we have in mind when we ask ourselves the questions with which this handbook concerns itself: "Who makes the decisions about what happens to children in the public schools? What is the role of parents and citizens in that process? Who should make the decisions?"

We have, of course, an answer to that last question. And even though the phrase that sums it up sounds somewhat academic, it says precisely what we mean. What *ought* to take place in the schools, we believe, is SHARED DECISION MAKING—with emphasis on that first word, SHARED.

We base that statement on some strong beliefs:

(1) That no one person or group should control the decisions that affect the lives of children in schools;

(2) That no one person or group has a monopoly on either wisdom or knowledge;

(3) That while professional educators bring important skills to the educational process, parents and citizens bring an equally important asset—their concern and aspirations for children;

(4) That shared decision making is a crucial ingredient of the democratic process and that our public schools, more than any other institutions in our society, must reflect democracy.

One last word to parents: The formal experience of schooling is only one part of your children's education. You, your community, your children's friends—all of these contribute positively or negatively to the experience. Work for better schools, but always remember that *you* are your children's primary educators!

Chapter II

Who Makes The Decisions?

Many individuals and many groups have voices in the decisions that affect the public schools. The strength of any specific voice depends on several factors.

There is, for example, the personal factor. A man or woman with an attractive personality and with leadership ability can have considerable impact on the functioning of a school or a school district. This is certainly true of the principal—the single individual generally considered to wield the greatest influence on a school's success. Although some of the community people with whom we've talked will characterize a school as bad even when its principal is, in their view, good, very few will ever describe a school as good when they consider its principal bad. Similarly, good school superintendents, good teachers and concerned and active board members, parents and citizens can be strong positive influences on their school systems and the schools and students in them.

Another critical factor is political power. School professionals, from superintendents to teachers, have gained power, through the national, state and local organizations that represent them. Not only do these organizations have considerable influence in state capitols and in the Congress, they also make their voices heard through the ballot box.

Geography is also a factor. Because our public school system is extremely complex, no generalization will cover every single case. But on the whole, according to the Commission on Educational Governance, the school administration—that is, the principal and especially the superintendent—make the major decisions in the southeast and the middle of the country; in

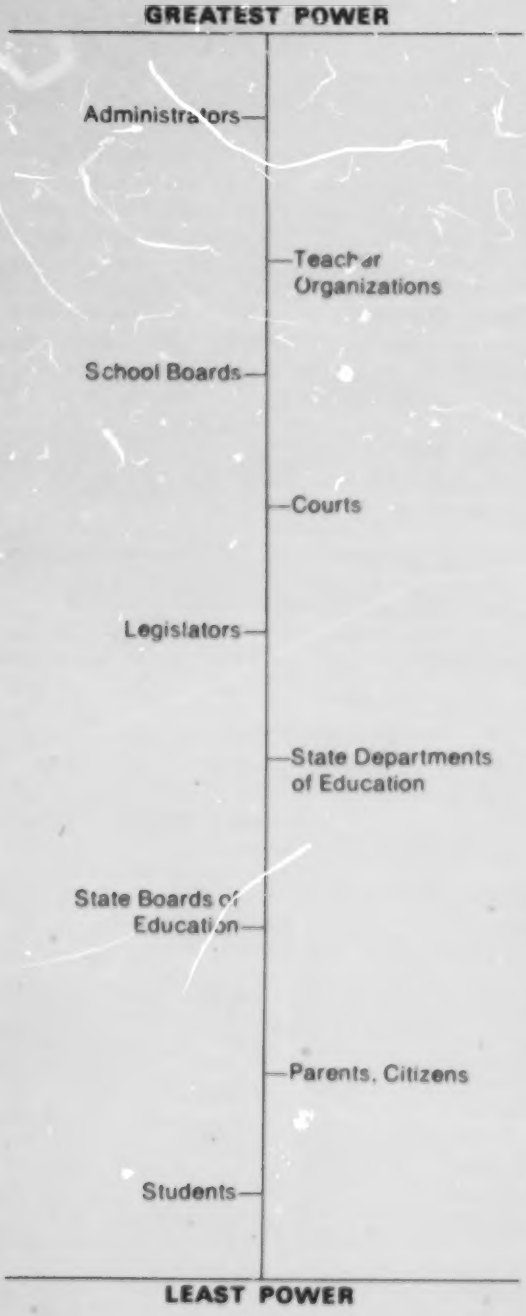
the northeast and the heavily industrialized states in other sections—Michigan, for example—the teacher organizations, through the collective bargaining process, now have the strongest voice; and in California and Florida, where new state education laws have been enacted, the state legislatures are becoming dominant in school decision making. Throughout the country, School Boards, State Departments of Education and State Boards of Education exert a fair amount of influence. But nowhere do parents and citizens, who have little political strength and who are generally interested only in the schools their children attend; have any significant voice in school decision making. And students, as Harold Howe, the former Federal Commissioner of Education, pointed out, are the least consulted consumer group of any in the United States.

In recent years, another significant voice has emerged, as the courts have increasingly been called on to arbitrate public school issues. We regret this development, which places an additional burden on an already overburdened judicial system, and which results from the failure of too many professionals to take responsibility in decision making. We believe that those closest to the problem—principals, teachers, parents, citizens and students—can best arbitrate their differences and that the proper role of the courts in this area is to resolve the complex constitutional issues that may arise.*

So, if one were to draw the Power Line most representative of the national scene it would look something like the diagram on p. 10.

We realize there may be arguments with the Line we've drawn. Superintendents will no doubt scream: "Not me! My Board can fire me! The teachers' organization has me over a barrel! The parents give me a terrible time!" Similarly, principals are absolutely sure they have very little power and that they are losing the little they have. But, from what we heard in the Commission testimony, from what we see in school districts around the country and from what par-

* *NCCE has published a paperback book,* The Rights of Parents In The Education of Their Children, *as an assist to parents in understanding the complex legal issues relating to their rights in dealing with the schools.*


GREATEST POWER
Administrators
Teacher Organizations
School Boards
Courts
Legislators
State Departments of Education
State Boards of Education
Parents, Citizens
Students
LEAST POWER

10/NCCE

ents and citizens tell us about *their* districts, the Power Line above is a fair representation of the facts in most places.

To understand what it really means, however, we'd better give a little more time to definition—to discussing the functions of the people and groups that appear on it. According to a survey conducted by the National School Boards Association, 50% of citizens asked did not know the difference between a school board and a school administration. So let's take a brief look at the people and their organizations.

ADMINISTRATORS

Local School Systems

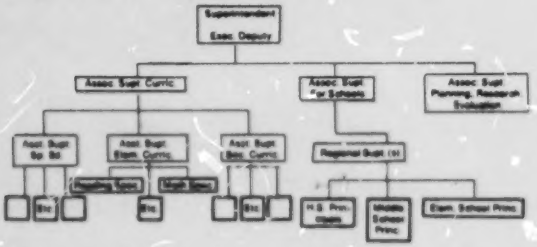
The term "administrator" is applied to a whole series of jobs in a local school system. In a small system, there may be only one or two administrators; in a large one, there may be several thousand. But an average size system is likely to have in it people who fill at least the following roles: superintendent, principal, business officer and guidance specialists.

Superintendent or General Superintendent

This person—known as the Chancellor in New York City—is responsible for administering the *entire* system—business matters, personnel, school property, budgets, maintenance and overall curriculum, among other things. Helping him or her are a wide variety of assistants, administrators all, whose titles end with the words "Superintendent," "Administrator" or "Chancellor," and begin with such words as "Deputy," "Executive Deputy," "Associate" or "Assistant." Each of these—again, depending on the size of the system—has his or her assistants, with an incredible variety of titles, to help administer a particular piece of the system.

In a medium sized city, the school system's organizational chart might look something like the one below. (Notice, by the way, there are no teachers on the chart. It covers only administrators, each with his or her share of the budget and each with an area of knowledge about which he or she knows more than anyone else in the

system—knowledge that he or she is often reluctant to share, sometimes even with the superintendent.)



Some school systems—rural Georgia, for example—elect their superintendents, and in some states—Maryland is one—the county superintendents have responsibility for all the schools in their counties and there are no local superintendents. But most systems *have* local superintendents, and most of these superintendents are appointed by their system's Board of Education, generally serving at the pleasure of the Board, although usually with a contract that runs for a specified number of years.

As far as we know,no one has ever counted up the total number of school system superintendents and their staffs throughout the country. The American Association of School Administrators (AASA) has about 25,000 members, but that figure tells us relatively little, since many superintendents are not members of the organization and many administrators who *are* members are *not* superintendents. The closest we can come to a figure representing superintendents alone is to base it on the number of school districts in the country. There are about 16,000 of these. So 12,000 to 15,000 seems a likely figure: it takes into account superintendents who serve an entire county, those who serve intermediate districts and those who serve area education agencies.

Principal

The principal is usually responsible for administering *one* school building, although in a few places, the principal is responsible for several buildings. Among the principal's concerns are the safety and protection of students and teachers, the maintenance of the building and the in-

struction of the students. He or she reports, through a chain of command, to the system's Superintendent and has little contact with the Board of Education. Nor does he/she play any role in such system-wide processes as collective bargaining.

The principal does, however, exercise considerable influence in his/her local school community. Even when he or she is closely supervised by the superintendent and the superintendent's staff, the principal is reasonably free to determine the educational climate in his or her building, its openness to the community and the quality of teaching that takes place there. It is for this reason that, from the point of view of parents and students, the principal is the single most influential person in a school community.

Principals, too, have their organizations—the National Association of Elementary School Principals (NAESP) and the National Association of Secondary School Principals, (NASSP) which covers both junior high and high schools. In some places, these organizations have merged at the state level, often with the superintendent's groups, to form various kinds of coalitions. Generally, however, the organizations tend to remain separate and narrow in their interests and concerns.

In 1972-73 a census was taken of the number of school principals throughout the country. The total may have declined a little since then, but the figures are fairly accurate. They show about 48,000 elementary school principals, 9,300 middle or junior high school principals and 15,800 high school principals.

Others

There are other administrators, neither principals nor superintendents, all of whom have specialized knowledge and skills, all of whom report to the superintendent and none of whom are involved directly in teaching children. Among them are supervisors, counselors, specialists, psychologists, visiting teachers, social workers and school business officials. Many of them have their own national organizations which, in turn, have state and sometimes local affiliates. There are, for example, the Association of School Business Officials (ASBO); the

Association for Curriculum and Development (ASCD); and the American Personnel and Guidance Association (APGA).

STATE SCHOOL OFFICERS

Chief State School Officer

This person is the state school administrator, responsible for carrying out state education policies and reporting to the Governor and/or the State Board of Education. All chief state school officers have large bureaucracies working for them and often they are in charge of educational institutions other than the schools—state museums and libraries, for example. Their jobs go under a number of different titles. In 19 states they are called Commissioners of Education; in 32, Superintendents of (Public) Instruction. In Pennsylvania, the chief state school officer is known as the Secretary of Education, and in three territories the people who perform this function are known as Directors.

These men and women are picked for their jobs in a variety of ways. Eighteen are elected, some running on a partisan ticket. The remainder are appointed, 27 by the State Board of Education, at whose pleasure they serve; 11 by the Governor, who usually establishes a set term.

They, too, have a national organization—The Council of Chief State School Officers (CCSSO), whose membership covers the 50 states, the District of Columbia and several territories. CCSSO serves the lobbying needs of its members and facilitates communication among the various state officers.

BOARDS OF EDUCATION

Local School Districts

Here, too, the names vary with the states. There are School Boards and School Trustees and, in Massachussetts, School Committees. But whatever their names, these groups serve as the policy-making bodies for their school districts, whether these districts are made up of a single city, suburb or rural community, or of an entire county. Boards generally have anywhere

from three to 11 members, usually unpaid. It is not their responsibility to administer the schools in their districts, but to pass resolutions establishing policies that have the strength of laws and that are carried out by the local superintendents and their staffs. For example, if a Board decides that any student who needs a free lunch should have one, that decision becomes a policy. It is then up to the superintendent to figure out how to carry it into action, by determining which federal or state programs apply; how need is to be decided, etc. It is, however, the Board's responsibility to keep track of the lunch program to see that it is implemented properly. This is called *oversight*.

Other Board policies apply more directly to learning. For example, a Board might decide: "By the time a student leaves the 8th grade, he or she must be reading at the 5th grade level, or better;" or "New teachers must be supervised (visited in their classrooms) and evaluated three times a year."

Obviously, School Board policies frequently deal with complex issues, which can be extremely difficult to carry out. To ask the right questions and to make intelligent decisions, Board members have to do a lot of homework and usually have to rely on administrators for their information. This often leads to a situation in which the administrator, rather than the Board, is the actual author of the resolutions that establish policy.

Board members are usually chosen through non-partisan elections, although some are appointed, either by the mayor or by a panel of judges. Both the elective and appointive systems have their strengths and weaknesses. The elective process is more democratic, but it demands an extremely well-informed electorate. And although some appointees truly have the students in mind, others are given their jobs for purely partisan or patronage reasons.

School Boards, too, have their organizations, both at the state and national levels. The National School Boards Association (NSBA) in Washington, D.C. represents Boards in around 15,900 school districts. Since there are about 100,000 school board members in the 16,000

school districts across the country, these organizations have the potential of being a powerful influence on public education.

State Boards

The state Boards of Education are the policy-making bodies for state education, whose decisions are carried out by the chief state school officers. The only state which has no such Board is Wisconsin. In Mississippi and Florida, only Constitutional Officers can serve on the State Board. In all the others (in New York, by the way, this Board is known as the Board of Regents), the Boards contain from three to 24 members, with an average of nine, either appointed or elected for specific terms. There are about 550 State School Board members in the country, represented by the National Association of State Boards of Education (NASBE), with offices in Washington, D.C.

TEACHERS AND TEACHER ORGANIZATIONS

There are approximately 2,200,000 public school teachers in the country, about 1,200,000 of them in elementary schools and 1,000,000 in secondary schools. Most of them have a minimum of a Bachelor's degree; an increasing number has a Master's or other advanced degree.

The majority of the teachers belong to one or another of the national teacher's organizations. The National Education Association (NEA), with nearly 1,900,000 members, is the largest; the second largest is the American Federation of Teachers, with 446,000 members in 1976; and the smallest is the National Association of Professional Educators (NAPE). The NEA has active state chapters in every state and represents nearly 75% of the nation's teachers. The AFT is less active at the state level. It represents most of the remaining 25% of the teachers, with a heavy concentration in the nation's large cities. Unlike the others, NAPE—which represents less than 1% of the nation's teachers—does not support collective bargaining and the right to strike.

PARENTS/CITIZENS

We group parents and citizens together because we believe that education is a matter of concern to all persons, whether or not they have children in the public schools. What happens in these schools affects our whole society and so affects everyone concerned with the quality of life in this country. We also believe that parents and citizens need to demonstrate that concern through their active participation in the affairs of the public schools.

The most effective way for them to do that is through organizations and there are, indeed, a number of parent/citizen groups in the country. These groups can be classified in several ways. One is the way they got started—whether they were parent/citizen initiated; or—as for example the PTA—initiated by the school or the school system; or initiated by the state or federal government—as for example, the groups mandated by Title I of the Elementary and Secondary Education Act. (ESEA).

Within that classification, parent/citizen groups can also be identified by their membership—parents only; parents and citizens; parents, citizens, and teachers; any or all of the above *plus* students.

Groups also organize for special purposes or objectives—special education; bilingual education; education of the gifted—or in response to such local issues as busing, textbooks, or violence in the schools.

The organizations that belong to our Parents' Network cover all the categories mentioned above and are discussed in greater detail below.

Parent/Citizen Initiated: City-Wide

These groups tend to focus on city-wide issues and many of them—the San Francisco Service Center for Public Education, the Parents Education Association of New York and the Citizens Schools Committee of Chicago, for example—provide information to other parent groups on school policy issues and administrative decisions. Each of these groups has a governing board and a chief administrator; they are independent of the local school system and are

self-supporting. Many, such as the D.C. Citizens for Better Education, provide training and technical assistance to smaller community groups. Some, such as the Citizens Information Service of Illinois, work primarily with school councils in promoting skill development and understanding. Since most of them have paid staffs, large budgets, policy boards and competent administrators, they are usually in a position to use the courts in an effort to satisfy their organizational objectives: the Parents' Union of Philadelphia, for example, sued the city School Board for giving away parents' rights at the bargaining table.

Citizen Initiated: Neighborhood "Grass Roots"

The most consistent characteristic of these groups is their insistence on sharing in the decision-making that affects their children. They usually originate out of frustration with existing school-based parent councils and tend to see themselves as adversaries of these groups. Although some, like the Southwest Community Action Coalition of Chicago, take on city-wide issues that are root causes of problems in local schools—pupil pushouts, for example; gerrymandering to maintain segregation; poor pupil service—most, like the Desire Education Planning Committee of New Orleans, the Midwest Community Council of Chicago, or the Harlem Block Association of New York, seek to satisfy their objectives within individual schools. Many are formed out of a conviction that groups chosen or sanctioned by school professionals cannot correct the inadequacies of the educational system. Ida Mae Fletcher, the late founder of the United Parents of the Greater West Side of Chicago, articulated the feeling that has given rise to these organizations when she said: "School groups are dominated by teachers and therefore out of touch with the rest of the community."

Citizen Initiated: Regional, State and National

These groups, which have a variety of purposes, cover a wider geographical area than those discussed above. Nor are all of them concerned exclusively with the schools.

The regional citizen-initiated groups are exemplified by the Conference on Education,

which covers the city of St. Louis and the surrounding districts, and so works with an area that covers several local school districts.

Advocates for Education, in New Jersey, is a statewide citizen-initiated organization which has applied for a lobbying status in order to counter the powerful New Jersey professional education lobbies.

The National Committee for Citizens in Education is one example of a national citizen-initiated organization. Others are the Council for Basic Education and the Institute for Responsible Education. The activities of these groups range from providing information to participating in a wide variety of technical assistance activities and training.

There are also several Regional and National groups that have programs designed to improve and expand parents' understanding of educational trends by providing information and assistance at the local level through their local chapters. Among them are: The League of Women Voters; the National Black Parents Organization; and the Community Involvement component of the National Urban League.

School Sponsored Committees

Stimulated by the federally mandated Head Start, HUD and Title I Councils, school systems throughout the country have established a variety of Citizen Advisory Committees, of which the largest are the Los Angeles Citizen Advisory Councils. Others initiated by local schools or school districts are similar to the PTA, PTO and PTSA (Parent, Teacher, Student Association) and some of them are, in fact, affiliated with the National Congress of PTA. These organizations often support school and administration programs through fund raising events and various volunteer activities.

State Mandated Groups

In 1974, Dan Safran of the Center for the Study of Parent Involvement reported that the education agencies of 14 states were bound by legislation to involve parents in the educational

process. He divided the types of involvement required into the following categories: planning, evaluating and advising; program implementation; and administrative procedures.

Most of the statutes call for advisory committees concerned with particular aspects of education—bilingual; early childhood; special education; vocational education—and operate at both the state and local levels. In many localities, there are coordinators who are responsible for seeing to it that the statutes are carried out and government personnel who are responsible for training the groups on their advisory role. The only state which has a statutory requirement for local, district and regional School Advisory Committees is Florida. The evidence is not yet in on the effectiveness of these groups.

Federally Mandated Groups

Federal legislation requires the participation of parents in carrying out a number of programs, as, for example, Title I of ESEA. In many school districts, however, local administrators have resisted this requirement and state and federal program officers have neglected it, with the result that many parent councils are little more than rubber-stamps for the professionals.

STUDENTS

Elementary and secondary school students are extremely difficult to organize. They do not remain in any one school for any extended time; the logistics of bringing together groups over any distance is formidable; and students can be vulnerable to intimidation by school personnel.

Nevertheless, there *are* several student organizations—most of them initiated by school professionals. The High School Student Councils, for example, are a part of the National Association of Secondary School Principals; the Student National Education Association is part of the NEA. There are two others, not sponsored by professionals, which offer excellent student services: The Robert F. Kennedy Memorial and the National Student Lobby, which primarily serves college students.

CHAPTER III

Who Has What Powers?

What *is* power? How is it acquired? What does it mean to those who have it? These questions have a number of answers.

- Power can mean control of people, money and things.
- Power can mean control of the means of decision-making.
- Power can mean control of, and access to, the media—the means of communicating.
- Power can mean significant influence over those—like legislators, federal and state, and the executive branch at all levels—who make the decisions that affect people's lives.
- Power comes about through money because money can often buy that access and that influence.
- Power comes about through size and the creation of a bureaucracy that insulates itself from accounting to the people it serves.
- Power comes about through fear—fear of economic and social reprisal.
- Power comes about through status and titles—Doctor, Principal, The Honorable, Mr. Mayor.
- Power comes about through control of information and the sources of information.
- Power comes about through organization—the strength of numbers and the skills necessary to use those numbers for political advantage.
- And, as Martin Buber said, "Power abdicates only under the stress of counter-power."

With all this in mind, let us now take a look at the people described in the last chapter in terms of their power and its meaning in public education. As you will remember, our national Power Line showed administrators generally leading

the power field, with teacher organizations coming up fast and with Boards of Education making increasingly greater efforts to reclaim the positions they used to hold.

ADMINISTRATORS

Prior to 1890, there were few professional administrators in education. Lay Boards of Education took care of personnel decisions, maintenance and business matters and delegated to educators only the problems of curriculum and supervision. But as the business of the schools increased, unpaid board members were unable to oversee these growing operations, and superintendents and their assistants were hired to carry out the boards' policies.

The concentration of power in the hands of these superintendents took place much later—at about the same time as the revolution in the management of government itself—a revolution that reached its fullest expression during the early years of the Franklin D. Roosevelt administration, when the Executive Branch of the federal government expanded dramatically, both in size and in professionalism. By 1935, this revolution had been accomplished, and almost every level of government had been changed into a government by administration.

In education, this resulted in turning over policy-making to professional educators—either formally, through delegation, or informally, through reliance on their professional judgment or on the basis of an assumption that their knowledge and skill entitled them to make policy. As a consequence, many school boards made themselves so dependent on superintendents and their staffs that they separated and even alienated themselves from the parents and citizens they served. The administrators' control over information and the increasing size of school systems were instrumental in creating the bureaucratic structures that are by now solidly entrenched throughout the educational system and that are frequently used by administrators to protect themselves from having to share their information and power with the public. The experience of the Massachusetts

Advocacy Center is instructive in this regard. The group made effort after effort to obtain various kinds of information, under the state Freedom of Information Act. In the process, it encountered 14 different obstructional strategies—from organized resistance through threats and intimidation, professional paternalism and contrived confusion to stone-walling.*

When a well-funded, multi-talented organization like the Massachussetts Advocacy Center encounters such resistance to releasing information, what must an average parent/citizen group, with fewer resources, face? The task is even more difficult for the poor and for minority group members, whose time and energies must be devoted to physical survival.

At the individual schools, principals have considerable power—not only because of their status, but because they alone have access to important information. But in most administrative pecking orders, they have less power than superintendents. The other administrative or support groups (ASCD, ASBO, APGA, etc.) have relatively little general power, although they can and do exercise considerable expertise and clout on issues directly related to their concerns.

Although all administrators, through their organizations, have the potential of exercising enormous power, they dissipate it by an inability or an unwillingness to bring their combined strength to bear on critical issues. They therefore lack the political muscle of the teachers' organizations which, although they are not united, have the numerical strength, the money and the skill necessary to exercise considerable influence on federal, state and local decision makers and politicians.

TEACHERS AND TEACHER ORGANIZATIONS

In the past two decades, teachers have gained considerable power in the public schools,

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* *See Appendix C for excerpts from the Center's report on its efforts.*

largely as a result of their organizational strength and their use of collective bargaining. Since 1940, the number of teachers in the work force has been steadily rising: in that year, there were slightly over 1,000,000; and today that figure is nearly 2,200,000. This means that their ability to raise funds, through dues and other assessments, could rival or exceed that of most unions. Even today, their financial status is extremely good. The NEA, whose annual dues range from $29 in Arkansas to $209 in Alaska, currently spends nearly $50,000,000 a year.*

The professional organizations are the teachers' power base, and they have used them to consolidate their strength and to influence local, state and federal decision-making through the election of officials who support the teachers' interests. With massive dollars available for media presentations and direct political contributions and with a corps of hundreds of thousands of well-informed and well-trained political workers, the NEA and the AFT have given the teachers real power in the schools. They may lack status and may not be considered a part of the educational bureaucracy; they may not be privy to the information available to administrators and school boards. But they *do* have power.

Some of that power has been achieved through the collective bargaining process. Collective bargaining, an important part of democratic decision-making, has contributed significantly to the improvement of American public education. As a result of contract negotiations and strikes by teachers' unions, school boards have been forced to share decision-making power over such matters as the size of classes, transfers of teachers within districts, assignment to non-classroom duties, teachers' hours, and pupil-teacher ratios. In addition, teachers are asking for increased jurisdiction over curriculum development, selection of textbooks and subject material. Albert Shanker, president of the American Federation of Teachers, spoke of this trend bluntly: "Power is taken

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* *Appendix B shows the breakdown of this budget.*

from someone. Teachers, as one of society's powerless groups, are now starting to take power from supervisors and school boards. This is causing and will continue to cause a realignment of power relationships."* This realignment has had some positive results, spreading the decision-making power more widely and bringing about a number of improvements in our schools.

Unfortunately, however, in most states the model used for the negotiations that have brought about this sharing of power is virtually the same as the one used in private-sector industrial relations. In our judgment, this private sector model is not suitable for the public sector. We do not believe the public interest is served by closed bargaining meetings—especially when these meetings result in contractual agreements on issues involving public policy and public expense—particularly since local school boards are increasingly unable to raise sufficient money to meet these agreements. The effect of all this is further to increase the power of teachers at the expense of others concerned with education, especially parent/citizens. Moreover, even though statutes in many states prohibit strikes by public employees, teachers' organizations routinely strike or threaten to strike in order to improve their working conditions and financial benefits. And the AFT's membership in the AFL-CIO and Mr. Shanker's membership on the AFL-CIO Board of Directors make entirely possible the shut-down of all municipal services in connection with a prolonged teachers' strike.

SCHOOL BOARDS

As you will recall, school boards stand in the upper third of the power line. This is, of course, not true of every board. Some are very weak, totally dominated by administrators. Others are very strong, and exercise considerable power. Most school boards are unpaid (New York City is one outstanding exception) and their members are often fully employed in the home or at work.

** Albert Shanker, "Where We Stand," American Federation of Teachers.*

Although membership on the school board frequently confers considerable status, it also often engenders hostility: board members must, after all, sometimes make decisions that anger one or another segment of the community. So it is not surprising that school board membership is often spoken of as a "truly thankless job."

For although board members control the fiscal and budgetary decisions in the school district and so derive some power, the increasing complexity of the budget process often makes them captives of the administrators' expertise. Further, since 60 to 85% of most school budgets is devoted to personnel costs—the salaries and fringe benefits of teachers, administrators and others—the board members' influence on the budget is quite limited—as it is, indeed, in virtually every area. Board members depend heavily on administrators and on the school bureaucracy not only for information but for help in sorting through the information they have been given.

In the past, few people thought of the National School Boards Association and its affiliated state associations as having much power. But that is changing, primarily in reaction to the power acquired by the teachers' organizations through collective bargaining. As state school board associations have been increasingly confronted by rather hostile collective bargaining procedures, they have come to recognize the need for trained and skillful staff to aid the local school boards in the bargaining process. That means that many of the state school boards associations have raised their dues, made membership mandatory and in general have become more politically skillful.

STATE EDUCATION AGENCIES

State Boards of Education and their top administrators, the Chief State School Officers, should—logically—hold the greatest power in education, since education in the U.S. is a state function. But for many years, state agencies have tended to delegate the responsibility to the local school districts, and in many states, the state education agency concerns itself primarily with funneling state and federal moneys to the

local districts, to produce what is called "local control."

Since it is to the advantage of state legislators, who need to be responsive to their local constituents, to maintain this system of "local control," it is quite difficult to change state laws to give added power to the state education agency or board of education. This can be done only when a state has a strong and independent legislature, as is the case in Florida and California.

States vary greatly with respect to the power they exert over education. Strong teacher organizations can influence state legislators in the direction of their interests. Strong governors, who are concerned with education, can make a difference. Strong chief state school officers can persuade or influence their governors, legislators and/or boards and can create or change legislation or resolutions affecting children. The truth is that most chiefs and their boards have more legal power than they are willing or able to exercise.

PARENTS/CITIZENS AND THEIR ORGANIZATIONS

Although parent/citizen participation is clearly approved by school precedent and federal legislation, there are few examples of successful and effective citizen participation in the schools and many parents believe that their input is neither sought nor desired and respected when given. Small successes, like getting a broken window repaired or gaining access to a child's records, are no indication of effective parent participation in educational decision-making. Nor is the presence of parents on a superintendent's or board's advisory committee.

This inability of citizens to affect their educational institutions is a major problem. Many parents have eloquently expressed to NCCE their frustration with school officials.

Some of the difficulty lies with the parents/citizens themselves. Frequently, parent groups cannot agree on what they want the schools to do and so cannot exert any united influence. Moreover, parents and citizens are

still quite confused about how schools operate, both in theory and in practice. Despite decades of talk about community relations from school administrators, the public is quite uninformed about school affairs. The National School Boards Association's Gallup Poll, to which we referred earlier, found that:

34% of adults have *no* opinion about their local school boards;
63% of adults cannot name a single thing their school board has done during the past year;
53% of adults don't know how many members serve on their school boards;
50% of adults do not know there is a difference between a school board and a school administration.

On the occasion of the fourth birthday of Common Cause, John Gardner eloquently expressed the public's sense of impotence:

"Modern trends in social organization make it urgently necessary to correct the powerlessness of the citizen. Surely, since the nation began, citizens have been in some measure at the mercy of those who had an inside track on power and privilege, but there is a new and disturbing element in the powerlessness of the citizen. The whole trend of modern societies, whatever their ideology, is towards huge and complex organizational structures in which individual citizens feel ever more anonymous and helpless.

"One can see a downward spiral. Citizens, doubting they can influence anything, become apathetic. Their apathy is further temptation to the abuse of power by those who control the great complex structures of the society. So power is further abused, and disillusioned citizens grow even more apathetic."

Certainly this is true with respect to public education. Parents and citizens have little stature. They lack information and access to sources of information. They have few organizations able to lobby their causes. They must too often struggle against a fortress bureaucracy. And with them is always that nagging fear: "What will happen to my children if? . . ." This fear of retaliation against one's children is both realistic and

legitimate. Children *are* often victimized because their parents dared to rock the boat. Many of the letters that come into NCCE describe just such happenings.

There *are* apathetic parents and citizens. There are those who are frightened. And there are those who honestly believe that education *should* be left to the professionals. In addition, there are those who have become quietly cynical after years of trying to break through the bureaucracy, and have simply given up on the public schools.

Fortunately, however, there are more who have *not* given up, who are *not* apathetic and who believe they can and will gain a voice in the deliberations that affect their children.

Let us look, then, at some ways we might begin to redress some of these imbalances. Can parents/citizens become a real part of the decision-making process?

Chapter IV

The Imbalance of Power—What Can Be Done About It?

As we said in the last chapter, almost everyone in the public education system supports the concept of citizen involvement. Most administrators, school board members and teachers are convinced that they need help from parents and citizens in assessing school needs and supporting school programs and budgets. But many of them are also fearful of what that involvement will mean to them. They are fearful that involvement will create a "pooling of ignorance," with the potential of damaging children.

So while in theory they support the concept, in fact they often resist mightily any process or mechanism that provides a way for parents and citizens to become involved in school decision making.

Some of their fears are legitimate. There *are* anti-school, anti-budget, malevolent parents, just as there are hostile, damaging teachers, administrators and school board members. And all of these people can do harm to children. But just as we cannot discard the electoral process in our government on the grounds that some rascals occasionally win office, so we cannot discard the concept of parent/citizen involvement because "we know about *you* people. In the school district across the river, you burned books"—or "cut budgets," or "fired the superintendent."

What mechanism could be developed to create useful and significant parent/citizen involvement in the schools? NCCE has a proposal:

> IN EVERY SCHOOL DISTRICT CONTAINING MORE THAN 1,000 PUPILS, THERE SHOULD BE AN ELECTED SCHOOL COUNCIL OF PARENTS AND CITIZENS IN EVERY SCHOOL BUILDING—A

COUNCIL THAT WOULD HAVE A SIGNIFICANT VOICE IN THE DECISION-MAKING THAT AFFECTS THE LIVES OF THE CHILDREN IN THAT SCHOOL.

Let's analyze that recommendation by examining its key phrases:

MORE THAN 1,000 PUPILS: When there are 1,000 or less pupils in a school district, the school board can know most of the families in the district and can have a real sense of what is happening in each of the schools. So the board itself can be held accountable and can in turn hold the paid professionals accountable—the superintendent and his staff; the principals; the teachers. In these small districts, virtually everyone usually knows what the budget, curriculum and organizational problems of the schools are, and so the board can learn the opinions of everyone concerned—not only parents and citizens, but also students.

When there are more than 1,000 pupils in a district, all the opposites can be true. It is easy for the board to become remote from its constituency; it is difficult for board members to know what is happening in individual schools and in the system as a whole. As a consequence, the board becomes dependent on the administrators and, too often, alienated from the parents and citizens it is supposed to serve.

ELECTED SCHOOL COUNCIL: When school boards, administrators or legislators want to indicate that parents or citizens *should* be involved in school decision making, they set up laws that call for Citizen Advisory Councils, usually appointed—and usually by an administrator at the school or district level. Whether or not these councils work is almost totally dependent on the intentions of the appointing authorities. The principal who believes in honest parent/citizen involvement appoints a variety of persons, with differing opinions and differing backgrounds and experiences. Moreover, he or she provides some training opportunities for the council, makes all the necessary information available to it and carefully explains the limits on its decision-making power.

By contrast, the administrator who is ordered, against his or her will or inclination, to appoint such a council, can guarantee its inactivity or

even its failure by stacking the group with "establishment" people, by withholding information and by limiting the decision-making to issues that really make no difference.

Finally, whether they are competent or incompetent, appointed councils are always open to the criticism of being dominated by the person who appointed them. This criticism, even when it is invalid, weakens their legitimacy and reduces their ability to give effective representation to citizens' interests.

Thus, although some appointed councils are excellent, the evidence we collected through the Commission on Educational Governance leads us to the recommendation that councils should be elected.

The electoral process has its disadvantages. It never guarantees perfect representation. It can be time-consuming and cumbersome. But with all its weaknesses, it is the most consistent, of all the processes we know, with the democratic ideal.

However, since elections, too, can result in non-representative councils, some school communities might want to consider variations on straight elections and even on those eligible for election. The majority of the council, perhaps 2/3, should still be elected through the normal non-partisan process. The remaining 1/3 could be appointed through an authority selected by the community. Such a proportion would keep down potential patronage and at the same time allow for the correction of any imbalance—geographic, racial or ethnic—that might result from an election.

Some school communitites might wish to elect only parents as that 2/3 majority of the council with that elected council appointing the remaining 1/3 from non-parent/citizens from the school attendance area.

As you will note, one word was not in our recommendation about the character of the council. That word was ADVISORY. And we omitted it deliberately. Advisory councils tend to be just that—councils that offer advice only. No true authority is vested in them, nor do their members have any commitment to—nor, indeed, any reason to accept—responsibility. After they are formed—usually to the accompaniment of a

great deal of publicity—and after they have devoted incredible amounts of time and energy to their work, all they can do is submit a report and then disband—hoping, but having no way of guaranteeing, that the report will result in some improvements.

PARENTS AND CITIZENS: Parents obviously have a great stake in the quality of education at their children's schools, and their inclusion on the council is clearly necessary. But to restrict school decision making only to parents denies other community persons and local labor and business representatives the opportunity to share in an important democratic function in which they, too, have an interest. Moreover, their involvement—like all democratic involvement—provides administrators and school boards with solid long-term support for budgets and innovations.

Yet these people are usually asked for their help only in times of crisis. As a consequence, that help is not necessarily forthcoming. Since they have not been previously involved, and since they have very little information, they can even take positions that prevent needed programs from being carried out.

True, there are also some potential risks associated with their involvement. Men and women who represent private or parochial school interests or who, for one reason or another, are opposed to school taxes—any of these, if elected, can do damage to existing programs and inhibit new ones. So, although we believe in citizen participation, we also recommend that parents represent at least a 51% majority on the council.

IN EVERY SCHOOL BUILDING: No matter how interested any parent/citizen is in education, its operation at the higher administrative levels—the Board of Education or the District, for example—is fairly remote. It is at their children's schools that parents see education in action, and it is at these schools that they have their most important contact with the professionals in the system—not only teachers, but principals, guidance counselors and other administrative personnel.

The individual school is not only one of most immediate concern to parents, it is also the most

manageable unit to work with—the one about whose programs parents, citizens, students, teachers and principals are in the best position to make judgments and decisions that can have a positive impact on children's learning.

Our view that decision-making should be concentrated at the school level is increasingly shared by scholars, politicians and educators. As Lawrence Pierce of the University of Oregon argues: "School site management offers the best immediate prospect for improving the productivity and responsiveness of public schools . . . it can help public schools overcome their fiscal and political problems."

Moreover, as he continues: "The essence of school site management is a shift of decision-making responsibility from the school district to the school site. Under current state laws, school districts are legally responsible for providing educational services. They are empowered to raise money and are the recipients of state school support funds. School site management would leave these legal relationships intact. In order to provide families greater control over school affairs, however, important aspects of educational decision-making would be delegated to the schools.

"The reasons for doing this should be clear. The most important contact between school personnel and families takes place not at the district level but at the school site. Parents and students are more interested in their particular school than in the district, and consequently they are more likely to become involved at the school site. Furthermore, by dividing up districts into school units, the opportunities for parent participation are increased, while the scope of educational problems considered and the number of people involved at any one meeting are reduced. This makes it easier to respond to parent preferences, since only the preferences of parents with children in one school have to be considered; having to compete against fewer people increases the chance of any one parent to influence school policy. Finally, school site management gives those educational professionals most familiar with a student's problems—the principal and teachers—greater responsibility for the education of children. The

educational needs of children within a school and between schools are not always the same. The principal and teachers in a school are in the best position to respond to those differences."

SIGNIFICANT VOICE IN THE DECISION-MAKING: If the Council is to have any meaning, it must participate in decisions that are significant and its work must have some pay-off in changes that are helpful to children. Raising money to buy pianos or projectors may fill a temporary material need, but it does not have a very significant long-term impact. In fact, some activities can actually deflect people's energies from the more important but more difficult functions they should be performing.

The Council functions we are about to propose are only a guide. Every school district and every school is unique—every one has its own power structure; its own rules—rigid or flexible; its own constraints, depending on state and school laws. With that understanding, let's go on to examine some of the processes in which we believe the Councils should participate. Much of the material that follows has been extracted from the excellent monograph, *School Community Councils—A Stronger Voice For Citizens*, published by the Citizens' Council for Ohio Schools, Cleveland, Ohio, which has been working to establish such councils in the Ohio schools.

Needs Assessment and Program Development

Comprehensive information from parents, citizens and students is needed to establish meaningful goals for schools. The school council would be an essential vehicle for developing and analyzing this information.

School communities have different traditions and tastes and schools should reflect those as well as meet general state and district educational requirements. Student needs vary from one school to another and will continue to do so. A regular, annual assessment of community needs, conducted by the school council, would provide a basis for establishing school program goals.

In Florida, where school advisory committees have been mandated by law, such annual parent and student surveys are conducted by some of

these committees. The surveys generally ask questions relating to saftisfaction with current programs and probe for deficiencies seen by parents. Other Florida school advisory committees take up one area of the school program at a time—e.g., reading program or discipline procedures—hold several meetings to discuss the issues with many people in the attendance area, define needs and goals for that particular program and move on to another area of concern.

A major concern of professionals with respect to joint program planning is that parents and citizens without expertise will make educationally unsound proposals. The history of public education indicates that this is not an unfounded fear. Parents frequently want to pass on to their children only their own values and prejudices. If schools offer courses or use books that describe other values, parents often object. That tension between the values of parents and the values of other groups with which a child comes in contact as part of his or her public education will never go away. However, it does no good to hide decisions about school programs from review by parents and citizens. Doing so only makes people more angry because something was hidden from them. School professionals, under attack, are likely to respond by saying that these are matters about which only professionals can decide. That just makes people question professional judgment more. If professional judgment and expertise are valid and worthwhile, they will stand the test of open review.

School Budgeting

School budgeting is another important function for a parent/citizen council. The total school district budget is an enormously complex document. It is months in preparation and uses all kinds of exotic language and categories which are gobbledygook to most educators, let alone financially naive parents/citizens. In each school district, however, a portion of the district budget is allocated to each school for discretionary spending—supplies, materials, books, teacher orders, etc. This averages

around 11% of the costs of running the school. Who usually makes the decisions about what is ordered and in what quantity? Teacher? Principal? Should we buy more blackboards or more construction paper? Why?

This is an ideal beginning responsibility for the parent/citizen council—to share in the decisions about what, how much and why.

If a school district is able to free up additional dollars for the school for training, curriculum study or even for such considerations as the number of teachers versus the number of teacher aides, these could become truly significant decisions in which the council could participate.

Through this process local school parent/citizen councils would become more knowlegeable about the total district budget process. They then could be asked to participate in that process by involving them when it begins and not at the meeting when it is finally approved.

Staffing Patterns

The tendency in most schools is to use people the way they have always been used. The school council would be a much needed catalyst in adapting plans of organization to current educational needs.

The major resource of schools is people and the current demands for education and cost of staff place a heavy premium on the best possible use of people resources. Staff can be effectively assigned in a variety of ways to meet program requirements and special needs of students, and to make the maximum use of the talents of both professional and non-professional personnel.

Flexibility is the key to matching the needs of students with the time and talents of teachers to attain the goal of individualized instruction. It is obvious that teachers should not be overloaded in any aspect of their work. It is equally obvious that the way to help teachers is to tailor their workload and support personnel to the special requirements of each teaching situation. A lecture class of 150 students may make sense under certain circumstances; more aides may be required per student in one situation than in another; student tutors may be the best way of meeting certain student needs.

The parent citizen council would explore the basis of present patterns of staffing and promote consideration of promising new practices such as differences in staffing in which groups of teachers and aides work together with large groups of students; team teaching within a grade level; and cooperative teaching between subjects. The council would also give attention to ways of making the use of paid aides, volunteers, and student tutors; support services in counselling, psychology, and family service; and wise use of community resources.

The council would keep fully informed about contractual provisions bearing on staff utilization and oppose restrictions that would hinder flexibility in the employment of people resources.

Staff Development

The public needs to be better informed regarding the need for professional leadership in schools and should encourage its development. The public should also have a voice in the selection of principals. School councils are the means for bringing these things about.

Constructive guidance and supervision of teachers is one of the most sensitive, important and neglected areas of school management. It is sensitive because evaluation to improve competence cannot be completely separated from evaluation for employment decisions. It has been neglected for two main reasons. One is the public's self-defeating aversion to public spending for educational leadership and personnel development, the two keys to the best use of resources in education. As a people, we have remarkable trust in the 22 year old beginning teacher who may have been inadequately trained in the first place; little regard for the need of all teachers for continuing refreshment and guidance; and misplaced confidence in the way central office directives meet the needs of individual schools.

The other reason for neglect of guidance and supervision is a common void in a principal's understanding of his role as a manager. The main reason for managers in a people-oriented enterprise like education is to appraise and develop the competence of the people under their jurisdiction.

The school council would assess present practices for evaluating staff performance and assisting staff in developing teacher competence. It would be particularly concerned with specific plans for staff evaluation, including the use of peer and self-evaluation. Attention would also be focused on the existing leadership capacity of the school principal and the supervisory staff and on the need for additional staff to improve supervision.

The school council would be mainly concerned with the daily process of on-the-job staff development. It would also assess needs for workshops, seminars and outside experiences.

Superintendents should have final authority for the selection of school principals, subject to the approval of their boards of education. At the same time, they can be aided greatly by citizen advice on criteria for selection and assistance in screening candidates. Citizen understanding and support of the schools will also benefit materially from participation in principal selection. Madison, Wisconsin and Cincinnati, Ohio are examples of school districts that today have organized citizen assistance in the choice of principals. Advice on principal selection should be a key function of all school councils.

School Community Communication

Schools are rumor mills and convenient scapegoats for disgruntled parents and reluctant taxpayers. School councils can fill a critical need for a credible, objective source of information.

The school council would be a responsible forum for collecting information, raising questions, studying issues and providing information to the rest of the community.

In addition to just controlling rumors, school councils can be helpful in obtaining and passing on to citizens much useful information about how the school performs. Parents and citizens frequently do not know how students are graded, tracked, promoted, failed, disciplined, passed or excluded; nor what criteria and processes are used to make these decisions; nor whether there are better choices. Without such information families cannot make reasoned complaints or suggestions, decide what is important about

education, know what is wrong about their own child's school, or figure out what might be changed. The school council should have access to all information about school policies and should communicate it to the community in an organized way.

Curriculum

One of the most difficult areas of schooling to define is curriculum. There are probably as many interpretations of its meaning as there are educators. Curriculum usually means *what* is taught (reading, spelling, sex education, drivers' education) but often is confused with the *how*, or the methods and techniques of teaching (phonics or look-see). To add to the dilemma, even the way the school is organized (open classroom) is often called curriculum.

Whatever it is called or however it is defined, the important question to be asked by parents/citizens, teachers and administrators is "What do we want to be the learning experiences of each child as a result of attending our school?" That probably is the initial question to be addressed by the school council and it is the question that addresses the issue of curriculum.

The parents and citizens usually know best the needs of their children and their community. The educators usually know best how to teach those needs. Together they can begin to make a reality of the rhetoric about making the curriculum meaningful to each individual child.

There are obviously many other important functions to be performed by school councils. Those tasks will often be unique to that particular school. Perhaps it is disorder in the halls, participation in the selection of textbooks, potential closing of the school, after-school classes—a broad variety of tasks important to the education of the children in that school—in short, all aspects of the school's programs.

SAMPLE COUNCIL

Let us set up a sample council in your school and see what it might look like. Obviously, our recommendations will not hold in every case. Adjustments may have to be made to accomo-

date the particular school or district population; to deal with political considerations and with the attitude of the staff.

1. The parent/citizen council should have between seven and 15 members.

2. Roughly 2/3 of those members should be elected at large from the school's attendance area.

3. Roughly 1/3 of the members should be appointed—also from within the school's attendance area. This can be done in a variety of ways—by the principal; by the principal and teachers; by the principal, teachers and parents/citizens or by the already elected council. We naturally prefer the latter.

4. Over 50% of the council members should be parents whose children attend the school.

5. The parent/citizen council should join with the principal/teachers council to form the school council. That principal/teachers council, by the way, should include the school secretary, custodian and others who can and do affect the lives of children daily.

There are, of course, many variations of this model. Student representatives can be added, even in elementary schools, if we really believe in their ability to contribute.

The question of who serves on the council and the methods for selecting them, however, is of less importance than the more basic question. "What is their power to be involved in significant decisions that affect their school and the education of their children?"

Note that in this model, the principal is neither the chairperson nor the agenda setter. The principal's major role is initially to set the limits on what the council can do and then to be a participant in its work. For example, the school budget limitations need to be made clear at the beginning. It may not be possible to give all children free lunches or build a new gymnasium. Similarly, legal limitations must be made clear. It would not be possible, for example, to overturn a negotiated contract with the teachers' organization.

Local school councils are the first step—and a priority first step. But regional, district, citywide and even state and national organizations are essential. There are many larger issues that

affect parents, citizens, students and the schools —parent and student rights, for example—that can only be dealt with effectively by these larger groups, formed as coalitions built on the base of the local school councils. (Specific cautions, do's and don'ts and guidelines for organizing parents and citizens and for developing and maintaining leadership can be found in two handbooks NCCE has already published: *Parents Organizing To Improve Schools* [also in Spanish] and *Developing Leadership for Parent Citizen Groups*.)

Conclusion

The above is neither as complicated as it sounds nor as simple as it should be. Parent/citizen participation in school decision making can become a reality if a superintendent or a single school board member wants it. It can become a reality if a principal, a teacher, a parent or a citizen provides the leadership to get it started. But it is very easy to get hung up on the problems that can arise—election procedures; appointing procedures; agenda setting; and the resistance that is bound to come from one quarter or another. DON'T LET THEM BOG YOU DOWN! Shared decision-making is democracy in action. Like democracy, it is never easy. The alternatives, however, are grim. We think it can happen. But it will take your intelligence, your enthusiasm, your energy, your patience and your perseverance. And remember, you're not alone. Shared governance—control—of schools is an idea whose time has come. You can help make that idea a reality in your school. Start today!

Appendix A

NCCE's Parents' Network has grown to over 300 groups in 43 states, the District of Columbia and Canada. These groups represent a combined membership of over 200,000 parents and citizens. As members of the Parents' Network, organizations large and small, independent and with national affiliation, come to NCCE for help. We provide technical assistance, training, publications, referrals and a chance for members to share information with other groups in the Network. Groups set their own policies and goals and pursue their own projects. If you are interested in starting a group or know any local organizations who should be invited to join, please contact Stanley Salett at NCCE, 410 Wilde Lake Village Green, Columbia, Md. 21044 or phone (301) 997-9300. List current and accurate through February 15, 1978.

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Oregon Community Education Association
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Guy Faust

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Ms. Audra Braun

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Urban League School Community Program
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Mrs. Jeanne C. Hartzog

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(Continued on page 54)

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Mrs. Zell McGee

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Tunya Audain

Appendix B

NEA Budget, 1976-'77

Leadership in Solving Social problems	$ 409,115
An Independent, United Teaching Organization	5,183,712
Professional Excellence	4,576,884
Economic and Professional Security for All Educators	6,715,461
Significant Legislative Support for Public Education	2,612,114
Human and Civil Rights in Education	5,197,426
Communications	2,743,086
Research	1,209,274
UniServ	9,598,457
Governance	3,065,896
Administration	2,605,457
Business and Financial Management	4,779,218
	$48,696,100

Appendix C

STATUS REPORT: FREEDOM OF INFORMATION IN MASSACHUSETTS*

INTRODUCTION

Governmental secrecy has no place in a democratic society. Without openness in government, public officials operate beyond the range of accountability to those for whom they work.

Local, state and federal government agencies are vast storehouses of untapped information. Availability of that information to the public is essential both for informed participation in public decisions and to insure accountability in government.

This is a report on freedom of information policy and practice in Massachusetts. Its purpose is to summarize key provisions of public records, and to report on the degree of compliance with the law by state and local officials.

SPECIAL EDUCATION RECORDS: A CASE STUDY OF NONCOMPLIANCE BY LOCAL SCHOOL SYSTEMS

The Massachusetts Special Education law—Chapter 766 of the Acts of 1972—took effect in September, 1974. As part of a continuing effort to monitor its implementation, this Center, jointly with the Coalition for Special Education, con-

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* *Report of the Massachusetts Advocacy Center (2 Park Square, Boston, Massachusetts, 02116), Number Two—March, 1976. This Appendix is made up of selections of the Report of the Massachusetts Advocacy Center and is reprinted with the Center's permission.*

ducted two surveys of local school systems. Although this effort began as a report on special education in Massachusetts, our efforts to gather the information for it became one of the most thorough and comprehensive tests of a freedom of information statute conducted in any state.

There are 438 separate school systems in Massachusetts. In response to our first survey, conducted in the fall of 1974, 193 school systems supplied information to our survey monitors who made personal visits to most of the school systems. (The analysis of this data, released on February 18, 1975, is available from our office.) Our request for the information in the survey was made once, with no sustained follow-up. While the number of responses was adequate for a statewide analysis of special education, it did not represent compliance with the FIA in Massachusetts since more than half of all school systems failed to comply with the request for information.

The following spring we conducted a second survey, this time requesting every superintendent of schools to release information under the provisions of the state FIA. The spring survey questionnaire was three pages long and the questions pertained to staff training, community outreach and aggregate data on evaluations of children.

In our initial request to school superintendents, in late April, 1975, we explained: "The [state Freedom of Information] Act itself requires the release of any public information maintained in or by the school system. It does not require you to complete this particular questionnaire. However, your completion of the questionnaire will be less a burden on you than providing all your raw data to enable us to answer the questions. For example, on consumer involvement you can answer the four questions, or decline to do so and, instead, be required to give us every record, form or paper which you maintained relevant to each question." In short, superintendents could either complete the questionnaire, which the law did not require them to do, or supply relevant public records which it did require them to do.

There was some initial confusion and reluctance among officials to respond to our request,

though many superintendents responded within the 20 day limit established by law. A second letter dated May 28, and a third dated July 1, were sent to superintendents who had not yet responded by those dates. The table below summarizes the response time of all school systems:

Response Received in	*% of School Systems*	*Cumulative % of School Systems*
1-20 days	40%	40%
21-30 days	14%	54%
31-60 days	23%	77%
61-90 days	22%	99%

(outstanding as of publication—3 school systems)

Fully 60% of these responses came after the maximum time period allowed by law (20 days) had expired. For the most part, our request was ignored until follow-up letters were sent which insisted upon a response.

By mid-July, almost three months after our original request, all but 40 school districts had complied with our request. We sent certified letters to each of these district's superintendents responding to questions and issues presented. Some of these issues resulted from misunderstandings either of our request or of the law; others were clearly obstructionist. In the next section of this report we identify and discuss the tactics used to prevent our access to the data.

In addition to our own discussions with individual school superintendents, the Commissioner of Education, Gregory Anrig, supported our efforts "to help insure uniform compliance with the special education law" and our position with respect to public records. On June 27, in response to an inquiry from the Lunenburg superintendent of schools, Commissioner Anrig wrote that "(A)s the Committee [comprised of the Mass. Advocacy Center and the Coalition for Special Education] noted in its letter, the completion of a questionnaire is less burdensome in most cases for a school system than would be the release of all the public records data that are needed to answer the questionnaire. Therefore, while a school system is free to decline to answer the Committee's questionnaire, it would still be obligated under Chapter

1050 [the state FIA] to provide the Committee with any 'public records' it requests."

All but four school systems—Avon, Bridgewater-Raynham, Holbrook and Middleborough—eventually sent in the completed questionnaire, or relevant public rords, in time for the information to be evaluate and included in our monitoring report, Chapter 766: The First Year, which was released on November 10, 1975. (Copies of this report are available for $2.25 from our office.)

Confronted with the resistance of the remaining five superintendents, we asked for assistance from the state Supervisor of Public Records and the Legal Office of the Department of Education. Each of the recalcitrant superintendents received a letter from either or both of these agencies, which supported our access to the requested public documents. One school system—Holbrook—eventually sent us its completed questionnaires but too late for inclusion in the published report.

The three remaining superintendents, from the neighboring districts of Avon, Middleborough and Bridgewater-Raynham, were unmoved by correspondence from the Department of Education or the Supervisor of Public Records and made clear their intention to withhold the requested documents.

The Superintendents of Avon and of Bridgewater-Raynham took the same position: that our request was too vague. In light of the fully completed responses from 435 other school systems, the claim of vagueness is clearly diversionary. Moreover, neither of these superintendents raised the issue of vagueness until several months after our initial request was made. If they were operating in good faith, they had the time and the opportunity to have their questions answered. Those superintendents who had genuine questions, as well as the desire to comply with our request and the law, were able to speak with our staff and supply the appropriate information to us within the 20 day period as required by law.

Until we instituted legal action against him, the position of the Middleborough superintendent was unknown. He failed to respond in any way to any of our five written requests or to

numerous phone calls. Following the failure of seven months of administrative attempts to elicit cooperation, we filed suit to force compliance with the state FIA. The superintendent of Middleborough was the only school official in the state who refused even to acknowledge our repeated requests. Thus, after numerous attempts, including efforts by state officials to get him to respond and comply with the law, the only recourse he left to us was litigation.

On November 3, 1975 we filed a complaint in Suffolk Superior Court against the Middleborough Superintendent of Schools. This action is now pending and, if successful, will establish precedent to require other officials to comply with the law.

Litigation often is not a desirable course of action. It is costly, time consuming and often precludes further negotiation ("I'm sorry we can't discuss that matter while it is in ligitation.") Moreover, under the state FIA the only relief available from the courts is receipt of the requested records. There are no provisions for recovering attorney's fees, nor are there any other penalities for recalcitrant officials. Therefore, even if we, and others who litigate under the FIA, are ultimately successful in the courts, a "success" results only in the release of records which were requested many months previously. The absence of additional penalties in the law encourages, by indirection, the bureaucratic strategies illustrated in the next section.

STRATEGIES OF RESISTANCE BY PUBLIC SERVANTS: OFFICIAL LAW-BREAKING

"You start by saying no to requests. Then if you have to go to yes, okay. But if you start with yes, you can't go to no."

—recently retired public official quoted in The New York Times

This statement summarizes the attitude of many of those public officials whose basic assumption about public service is that citizens are not entitled to information and services provided, often by law, by the government. We encountered many variations on this theme when we sought to secure data on special education

from local school systems. Despite the variety of tactics described below, the answer from each of these school officials was, in effect, the same: "no."

In most respects, our success in securing compliance with the state FIA from all but three school systems is a remarkable accomplishment, though one which was not easily achieved. In the course of our contact with public officials to get this information, we encountered many of the bureaucratic maneuvers which are commonly employed by public officials in order to prevent citizen access to public information. We have identified many of these strategies so that other citizens will know what to expect and how to respond when a public official seeks to obstruct access to public information.

1. "United We Stand": Organized Resistance

Shortly after our letter and questionnaire was sent to school superintendednts, two attempts were made to organize a boycott of our request.

The chief proponent of this tactic was the Director of Special Education for the Wellesley Public Schools. He made this proposal at a statewide meeting of Special Education administrators in early June, 1975.

The proposal was both ludicrous and ill-timed. At the time, nearly 200 school systems had already returned their completed questionnaires. His proposal, therefore, received a cool reception by many school officials. We wrote to him and the Wellesley Superintendent, again explaining the law and encouraging their cooperation short of litigation. Shortly afterwards we received Wellesley's completed questionnaire.

2. "We will have you investigated": Threats and Intimidation

In addition to the few aborted organized attempts to hamper our monitoring project, a few school officials tried to intimidate us by threatening to investigate our organization and our activities.

3. "The information may be harmful and misinterpreted": Professional Paternalism

A frequent defense for the withholding of public information is that its release will be harmful,

or that it will be misinterpreted upon release. This reasoning holds that the public cannot understand certain data and that it should be withheld for the public's own good.

Notwithstanding the law, which includes no exemption for information simply because it may be harmful, this logic is unacceptable for three reasons:

First, the notion that citizens' knowledge of certain information will be harmful to them, or misinterpreted, is completely contrary to one of the most fundamental concepts of a democracy. This is the concept that the uninhibited flow of ideas and information is essential in a free society. It is embodied in the First Amendment to the Constitution which guarantees that information be freely communicated, even if there is a possibility of harmful consequences.

Second, determining what information may be misinterpreted or harmful, if released, is a totally discretionary judgment. Certainly most of the heretofore confidential information which has been considered subject to misinterpretation, and which has been subsequently released in recent years, has been harmful only to the agencies which withheld the data because it reflects poorly on their performance.

Third, the public's understanding of information can only be enhanced by releasing data which itself will serve to educate the public to its meaning. Reading scores, for example, will only be put into their proper perspective when citizens have an opportunity to examine all of the data and to ask questions about its meaning. As long as they are shrouded in mystery, their use and meaning can never be properly understood.

4. "You can get it elsewhere": The Dodge

Some superintendents argued that copies of the documents we requested were available from the central or regional offices of the Department of Education. They concluded, therefore, that we should direct our request to the appropriate Department office and not to them. This argument represents a misunderstanding of the law and a misunderstanding of our request. The law clearly requires that if a public record is in the custody of a public official, *that* official is required to comply with requests for its inspection and duplication. Simply

because the same records are available elsewhere does not relieve a public official of his or her responsibilities to provide the requested information. The law does not contemplate that citizens be sent on a chase to find the "proper" agency to release information.

These officials also misunderstood or misconstrued our request. Most of the documents needed to fulfill our request were available *only* from individual school systems and were not maintained in any other location.

5. "Come and get it": The Invitation

This position is without foundation in the law. The statute does not contemplate that citizens be required to travel hundreds of miles, either to one agency or to many, in order to secure public records. If it did, access to public records would be a theoretical right and any monitoring of local agencies would be virtually impossible.

6. "Tell us why you want it first": Limited Rights

This is a common tactic of public officials. They may insist that citizens fully explain, often is writing, not only what records are sought but also why and how they will be used. This question is asked as if release were conditioned upon the answer. The implication is that if citizens have an "insufficient" reason for inspecting documents or a reason that the official disapproves of, then the record can be withheld. Such questions almost always are designed to intimidate citizens and frustrate their inspection of records. The law places no such conditions on citizen access. If an official has a record and a request is made for it, he or she *must* comply with that request. Citizens need not state their reasons, or even have any reasons, in order to receive public records.

7. "The law doesn't apply to me": The Exceptionist Argument

Even though the state FIA had been passed 18 months prior to the start of our spring survey, our requests was the first that many superintendents had received under it. Many officials, unfamiliar with the law, insisted that they were not subject to its provisions. We carefully ex-

plained the law to many of them and sent copies of it to others. After the initial shock of awareness about this "new" mandate, this argument was not strongly made.

8. "It's too much trouble": Administrative Burden

This view holds that compliance with requests for information creates such a tremendous administrative burden that the work involved is sufficient reason not to comply. This excuse has no basis or support in the law. As a matter of fact, complete and careful compliance with our request was time consuming. However, the law does not recognize work load as a reason for non-compliance. If it did, conceivably no public records would ever be released because "administrative burden" is such a subjective matter.

9. "Your requests is too vague": Contrived Confusion

In an effort to reduce the time and effort involved in responding to our request, we originally sent each school superintendent a questionnaire instead of a lengthy list of documents. This helped many officials to avoid the burden of identifying, copying and mailing dozens of separate records. In most cases, this method was sufficient. Some officials, however, used this type of request not to relieve their work load, as intended, but in an attempt to frustrate our efforts. These superintendents argued that our request was too vague and that they couldn't possibly understand what records would satisfy us.

In response to these superintendents, we made an additional request for specific documents as well as specific types of documents. This request and description was more than sufficient to identify the documents of interest to us. The clarity and specificity of our request is certainly substantiated by the almost 100% response we received.

10. "$3.00 per page please": The Sting

The only condition for receipt of public records under the state FIA is a provision that the custodian may, at his or her discretion,

charge a "reasonable fee" to cover the cost of duplication and search, if any. Unfortunately, the law does not define or limit what is "reasonable". Consequently, some officials sought to charge exorbitant fees to frustrate access to their records. The Superintendent of Holbrook, for example, informed us that we could receive a particular document upon their receipt of payment of $15.00. Since this particular document was a specific record on file, no search was required for it. The copying fee requested by Holbrook came to $3.00 per page.

11. "Maybe they'll go away": The Stall

One of the most effective tactics of obstruction available to public officials is "patience". They can afford to delay and create postponements. They can effectively use bureaucratic inertia to discourage requests from all but the most persistent persons. In most cases, this tactic works. Few citizens are able to sustain a six month correspondence with public officials. This is why the state FIA imposes a 20 day limit and the executive orders a 10 day limit on time allowed for agency compliance with requests. Few requests require additional time if an effort is being made to comply with them. Yet, each of the tactics identified in this report serves to delay compliance. We believe that our near perfect response was due to our persistence and to the fact that officials finally were convinced that we would not "go away". They came to understand that their non-compliance would be more time consuming and a greater effort for them than their compliance. Ultimately, persistence was our greatest weapon.

12. "- - - -": Stonewalling

Although not an unusual response from public officials generally, "no response" was the response used by only one superintendent. The "no response" tactic is similar to the delay tactic. Ultimately, hopes the official, citizens will go away and stop bothering him. Frequently he or she is right and this is what happens.

To effectively combat this tactic, requests should be made in strict accordance with the law: in writing and sent registered mail, return receipt requested. This will at least insure that

the request was in fact received and will be important if litigation is eventually necessary. Moreover, a careful record should be kept of all written and oral communications with the official on this matter. If an official is totally unresponsive and appeals to his superiors are also unproductive, then litigation may be the only effective recourse.

13. "The law doesn't apply to these records": The Unlimited Exemption

This position may be based either on a misunderstanding of the law or on a claim that certain records are exempt. In either case, the only exemptions permitted are those nine which are cited in the statute. All other records are public, and the law requires their release. If an official claims that a record is covered by an exemption, he or she must state which exemption applies. Moreover, the burden of proof is on the official to explain why the record is not public rather than or the citizen to explain why it is public.

14. "So sue me": The Dare

This, in effect, is the implied message of the completely unresponsive official. Some officials however are quite verbal about their position. They do not care about the law and flout its mandate. The "sue me" gesture is a dare made with the knowledge that most citizens do not have access to appropriate legal assistance. Ironically, the law tends to encourage this—and other obstructionist tactics—by not imposing personal penalties upon recalcitrant officials.

SUMMARY

The bureaucratic strategies described above are typical and effective. Some observers may cite our experience of receiving compliance from nearly 100% of the state's school districts as proof of the successful implementation of the state FIA. This rate of compliance, however, more accurately represents an enormous investment of organizational resources in order to gain what should be routine compliance with the law. We had three staff members devoting a substantial amount of time to this effort over a six month period. Few citizens or organizations

can afford such an extended, sustained project. In most cases we had to engage in lengthy correspondence and numerous phone calls to gain compliance. Ultimately, many superintendents were simply worn down and sent the information so we would stop annoying them. Others responded only after letters from the Commissioner of Education or the Supervisor of Public Records were sent to them supporting our position. Still others were instructed to comply by their school committees, or responded only after our negotiations with them became a public issue in the local press. In short, resistance to the state FIA is widespread and will be overcome only if citizens constantly exercise and insist upon their rights.

SUGGESTIONS ON HOW TO EXERCISE YOUR RIGHTS

The following suggestions should assist citizens when they request public records. Clearly all of these steps are not necessary if public officials are cooperative. These suggestions then are for encounters with potentially uncooperative officials.

1. *Do your homework.* Know the law and be able to specifically identify or describe the document(s) you are requesting. The more specific your requests, the easier it will be to locate and the less likely that an official will claim he or she doesn't know what you want. Remember, if you are requesting information from a state agency, you are allowed to search their files to locate the records you want.

2. *Know who to ask.* Identify the agency or agencies which maintain the records you are requesting. Sometimes this is not always clear; a particular record may be kept by one or more agencies. Remember, state and federal agencies are required to have public information officers to help you identify the records you want and the agency that maintains them.

3. *Put it in writing.* You may make your request by telephone, in person or in writing. However, it is always best to put any request or communication in writing. If you have a conversation with an official, confirm your understanding of what was said in writing. Letters should be

hand-delivered or sent by registered mail, return receipt requested. Keep a copy of all correspondence for your own records. State agencies are required to have information requests forms available for your convenience; use them if you are making an in-person request and want to have a record made at that time.

4. *Set deadlines.* Under the A&F regulations, state agencies have three days to respond to, and an additional seven days to comply with, your request. Other government agencies, under the state FIA, have 20 days to comply. If you have not heard from an agency as the deadline approaches, call the custodian of the record to find out the reason for the delay. If you believe that the delay is only the first in what may be a series of dilatory tactics, you may decide that litigation is appropriate and necessary. In that case, you are *not* required to pursue any of the formal or informal steps described below and you should seek legal assistance. If you believe that litigation is inappropriate at this time, you may want to follow the suggestions below.

5. *Formal and informal appeals.* If you have not received the requested information after the agency's deadline has expired, send a second letter to the superior of the record's custodian, with a copy to the custodian. In this letter, repeat your request and ask for an explanation of the delay as well as their immediate compliance. Depending on their response to your letters, short of compliance, you may follow the formal appeals process described in the A&F regulations, if it is a state agency. Or, if it is not a state agency, you may make an informal appeal to the next highest official. In addition, if the agency is not a state agency under the executive orders and the A&F regulations, you may want to contact the Supervisor of Public Records in the Secetary of State's office for assistance. Often his informal intervention on your behalf is sufficient to gain compliance with the law and your request.

6. *Political remedies.* Sometimes you will have exhausted these formal and informal appeals processes without success. If you believe at this point that litigation is still unnecessary or undesirable, other means are available to gain compliance with your request. Various forms of

political pressure may prove helpful. Such pressure may be generated by organizing a group of citizens with similar concerns to meet with agency officials. An organized group is less likely to be ignored than you alone. You may also seek support from sympathetic community leaders or publicize the issue through the media. Local newspapers are frequently interested in reporting on the performance of local officials in this type of matter. Your persistence and imagination are the most important elements of this strategy.

7. *Litigation.* When it becomes clear that an official does not intend to comply with your request, despite all of your efforts, assistance from a public interest organization and/or litigation may be your only remaining alternatives.

8. *Finally,* remember that you are entitled to inspect and receive copies of public records. These are *your rights.* A public official is not doing you a favor by allowing you to inspect and receive copies of them. He or she is breaking the law by refusing to let you do this. Unfortunately, these rights will not be secure for all citizens unless citizens exercise them and insist that public officials obey the law.